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CITY AND COUNTY OF SAN FRANCISCO,
HEATHER FONG, IN HER OFFICIAL CAPACITY,
AND JESSE SERNA

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GREGORY OLIVER, II,

Plaintiff,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, a municipal corporation;
HEATHER FONG, in her capacity as
Chief of Police for the CITY AND
COUNTY OF SAN FRANCISCO; JESSE
SERNA, individually, and in his capacity
as a police officer for the CITY AND
COUNTY OF SAN FRANCISCO; and
San Francisco police officers DOES 1-25,
inclusive,

Defendants.

Case No. C07-02460 JL (MEJ)

ADMINISTRATIVE MOTION TO
POSTPONE SETTLEMENT
CONFERENCE

Conf. Date: January 11, 2008
Conf. Time: 10:00 a.m.
Conf. Place: Crtrm B, 15th Floor

Date Action Filed: May 8, 2007
Trial Date: None Set

1 Pursuant to Local Rule 7-11, defendants file this stipulated motion to postpone the settlement
2 conference with Magistrate Judge James (which is currently set for January 11, 2008) for 60 days, or
3 until sometime after March 11, 2008.

4 On October 17, 2007 this Court issued an order referring the case to a Magistrate Judge for a
5 settlement conference within 120 days, or by February 17, 2008. [Docket #18.] On October 24,
6 2008, Magistrate Judge James issued an order setting the conference for January 11, 2008. [Docket
7 #19.] On December 24, 2007, at the same time as filing this motion, defendants filed an
8 administrative motion with Chief Magistrate Judge Larson to extend the date by which the parties
9 can attend the settlement conference by 60 days, or until April 17, 2007.

10 The parties request an additional 60 days to gather additional information to increase the
11 likelihood that meaningful discussions can take place at the conference. Defendants' counsel, Ron
12 Flynn, spoke with plaintiff's counsel, Ben Nisenbaum on Friday December 21, 2007 and the two
13 agreed to seek the extension. Both Mr. Flynn and Mr. Nisenbaum just completed federal trials and
14 need the additional time to gather information.

15 Accordingly, the parties request that the Court postpone the currently set conference and
16 reset it for sometime after March 11, 2008.

17
18 Dated: December 24, 2007

19 DENNIS J. HERRERA
20 City Attorney
21 JOANNE HOEPER
22 Chief Trial Deputy
23 RONALD P. FLYNN
24 Deputy City Attorney

25 -/s/- Ronald P. Flynn

26 By: _____
27 RONALD P. FLYNN

28 Attorneys for Defendants
CITY AND COUNTY OF SAN FRANCISCO,
HEATHER FONG, IN HER OFFICIAL CAPACITY,
AND JESSE SERNA

DECLARATION OF RONALD P. FLYNN

I, Ronald P. Flynn, declare as follows:

1. I am a Deputy City Attorney for the City and County of San Francisco and one of the attorneys of record for the defendants. I am licensed to practice law in the state of California and before this Court. Except where noted, the following is within my personal knowledge and, if called, I could and would testify competently with respect thereto.

2. On December 21, 2007, I spoke with counsel for plaintiff, Ben Nisenbaum, and we agreed to seek this 60-day extension.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct. Executed this 24th day of December, 2007, at San Francisco, California.

- /s/ - Ronald P. Flynn
Ronald P. Flynn

ORDER

Pursuant to stipulation, and for good cause appearing, IT IS ORDERED that the settlement conference is continued until _____.

DATED: _____

Hon. Maria-Elena James
U.S. District Magistrate Judge